



# Legal Update

---

November 2015

*An Act Relative to Trafficking Fentanyl*

*Chapter 136 of the Acts of 2015 was enacted into law on November 24, 2015.*

Section 32E of chapter 94C of the General Laws, is amended by inserting the additional sections listed below:

(c $\frac{1}{2}$ ) Any person who trafficks in fentanyl, or any derivative thereof, by knowingly or intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or by bringing into the commonwealth a net weight of more than 10 grams of fentanyl or any derivative thereof or any mixture containing more than 10 grams of fentanyl or any derivate thereof shall be punished by a term of imprisonment in state prison for not more than 20 years.

(c $\frac{3}{4}$ ) Any person who trafficks in fentanyl, or any derivative thereof, by knowingly or intentionally manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, dispense, or by bringing into the commonwealth a net weight of 10 grams or more of fentanyl, or a net weight of 10 grams or more of any mixture containing more than 10 grams of fentanyl or any derivative thereof, if the net weight of fentanyl or any derivative thereof, or any mixture thereof is:

**For specific guidance on the application of these cases or any law, please consult with your supervisor or your department's legal advisor or prosecutor.**

- (1) 10 grams or more, but less than 36 grams: could face up to 20 years in state prison but no less than a minimum of 2 years.
- (2) 36 grams or more, but less than 100 grams: could face up to 20 years in state prison but no less than a mandatory minimum term of imprisonment of 3 1/2 years.
- (3) 100 grams or more, but less than 200 grams: could face up to 20 years in state prison but no less than a mandatory minimum term of imprisonment of 8 years.
- (4) 200 grams or more: could face up to 20 years in state prison but no less than a mandatory minimum term of imprisonment of 12 years.

**Commentary:** This new law enhances the penalty for individuals trafficking fentanyl, a synthetic opioid.

**For specific guidance on the application of these cases or any law, please consult with your supervisor or your department's legal advisor or prosecutor.**